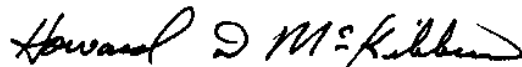




1 Because plaintiff's action seeks to set aside the foreclosure  
2 sale of 628 Don Drive, it might be considered an action *in rem* or  
3 *quasi in rem* under Nevada law. See *Chapman v. Deutsche Bank Nat'l*  
4 *Trust Co.*, 651 F.3d 1059 (9th Cir. 2011); *Chapman v. Deutsche Bank*  
5 *Nat'l Trust Co.*, 302 P.3d 1103 (Nev. 2013). If this action is *in*  
6 *rem* or *quasi in rem*, the court cannot proceed so long as Case No.  
7 13-cv-0148 remains pending in Ninth Judicial District court. See  
8 *Azucena v. Aztec Foreclosure Corp.*, 2013 WL 3972385 (9th Cir. Aug.  
9 5, 2013). Accordingly, on or before December 27, 2013, the parties  
10 shall advise the court as to whether Case No. 13-cv-0148 remains  
11 pending in the Ninth Judicial District Court, and whether, to the  
12 extent known, any other still pending state court *in rem* or *quasi*  
13 *in rem* actions were filed with respect to 628 Don Drive before this  
14 action was removed. Should any such actions remain pending, the  
15 parties shall further brief, on or before December 27, 2013,  
16 whether plaintiff's complaint in this action should be considered  
17 an action *in personam*, or whether it should be considered an action  
18 *in rem* or *quasi in rem*.

19 IT IS SO ORDERED.

20 DATED: This 12th day of December, 2013.

21 

22 UNITED STATES DISTRICT JUDGE  
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